

2019 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

AGRICULTURE, WALES

FOOD, WALES

The Food and Feed Hygiene and
Safety (Miscellaneous
Amendments) (Wales) (EU Exit)
Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred on the Welsh Ministers by paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation applying in Wales in the field of food and feed hygiene and safety.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Sift requirements satisfied ***

Made ***

Laid before the National Assembly for Wales

*Coming into force in accordance with
regulation 1(3)*

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The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of

Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018(1).

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(2) there has been open and transparent public consultation during the preparation of these Regulations.

Title, application and commencement

1.—(1) The title of these Regulations is the Food and Feed Hygiene and Safety (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on exit day.

The General Food Regulations 2004

2.—(1) The General Food Regulations 2004(3) are amended as follows.

(2) In regulation 2(1), at the appropriate place, insert—

““third country” means a country or state other than the United Kingdom.”.

(3) In regulation 6A—

(a) in paragraph (a), for “country that is not a member State” substitute “third country”;

(b) omit paragraph (b) and the “or” immediately preceding it.

The Official Controls (Animals, Feed and Food) (Wales) Regulations 2007

3.—(1) The Official Controls (Animals, Feed and Food) (Wales) Regulations 2007(4) are amended as follows.

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- (1) 2018 c.16.
(2) OJ No. L 31, 1.2.2002, p. 1, to which there are amendments not relevant to these Regulations.
(3) S.I. 2004/3279, amended by S.I. 2005/3254 (W. 247) and S.I. 2011/1043; there are other amending instruments but none is relevant to these Regulations.
(4) S.I. 2007/196 (W. 15), to which there are amendments not relevant to these Regulations.

- (2) In regulation 6, omit “and to other member States”.
- (3) In Part 3, in the heading, omit “Community”.
- (4) In regulation 10—
 - (a) in the heading, for “Community” substitute “Experts involved in”;
 - (b) in the words before paragraph (a), omit “to be carried out by Commission experts pursuant to Article 45”.
- (5) Omit regulation 12.
- (6) In regulation 13, omit paragraph (1).
- (7) In regulation 14(1)—
 - (a) in sub-paragraph (b), in the Welsh text, for “rheoliadau 10 neu 12” substitute “rheoliad 10”;
 - (b) in sub-paragraph (d), in the English text, for “regulations 10 or 12” substitute “regulation 10”.
- (8) In regulation 17(1)(c), for “, 10, or 12” substitute “or 10”.

The Quick-frozen Foodstuffs (Wales) Regulations 2007

4.—(1) The Quick-frozen Foodstuffs (Wales) Regulations 2007⁽¹⁾ are amended as follows.

- (2) In regulation 2—
 - (a) in paragraph (1), omit the definition of “Directive 89/108”;
 - (b) in paragraph (2), omit “Directive 89/108,” in both places it occurs.
- (3) In regulation 5—
 - (a) in paragraph (2), in the words before sub-paragraph (a), for “any other description listed in Article 8.1(a) of Directive 89/108” substitute “its equivalent in any other language”;
 - (b) in paragraph (3), in the words before sub-paragraph (a), for “any other description listed in Article 8.1(a) of Directive 89/108” substitute “its equivalent in any other language”;
 - (c) in paragraph (4), in the words before sub-paragraph (a), for “any other description listed in Article 8.1(a) of Directive 89/108” substitute “its equivalent in any other language”.

⁽¹⁾ S.I. 2007/389 (W. 40), amended by S.I. 2011/1043 and S.I. 2018/806 (W. 162); there are other amending instruments but none is relevant to these Regulations.

The Meat (Official Controls Charges) (Wales) Regulations 2009

5. In the Meat (Official Controls Charges) (Wales) Regulations 2009(1), for the heading to Schedule 1 substitute “Definitions of retained EU law”.

The Official Feed and Food Controls (Wales) Regulations 2009

6.—(1) The Official Feed and Food Controls (Wales) Regulations 2009(2) are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “relevant feed law”, omit the final “and”;
- (b) at the appropriate place, insert—

““third country” (“*trydedd wlad*”) means a country or state other than the United Kingdom.”

(3) In regulation 4—

- (a) in paragraph (1), for “, other OFFC authorities and member States” substitute “and other OFFC authorities”;
- (b) in paragraph (4), for “EU legislation” substitute “retained EU law”.

(4) In regulation 5(1), omit “and member States”.

(5) In regulation 10(2), omit “but does not include the European Commission”.

(6) Omit regulations 14, 15 and 16.

(7) In regulation 17—

- (a) omit paragraph (3);
- (b) in paragraph (5), omit sub-paragraphs (a) and (b).

(8) In regulation 19(1)—

- (a) in both places it occurs, omit “14, 15 or”;
- (b) in sub-paragraph (b), for “those regulations” substitute “that regulation”.

(9) In regulation 20(2), for “, regulation 11 or regulation 16” substitute “or regulation 11”.

(10) In regulation 22, omit the definition of “the relevant territories” and the final “and”.

(11) In regulation 28(1), omit sub-paragraphs (b) and (d).

(12) Omit regulation 44.

(1) S.I. 2009/1557 (W. 152), amended by S.I. 2011/1043 and S.I. 2018/806 (W. 162); there are other amending instruments but none is relevant to these Regulations.

(2) S.I. 2009/3376 (W. 298), amended by S.I. 2011/1043; there are other amending instruments but none is relevant to these Regulations.

The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011

7.—(1) The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011⁽¹⁾ are amended as follows.

(2) In regulation 3(1), for “European Union” substitute “United Kingdom”.

(3) In regulation 8(3)(a)(i), for “European Union” substitute “United Kingdom”.

(4) Omit regulation 12(2).

Name

Minister for Health and Social Services, one of the Welsh Ministers

Date

(1) S.I. 2011/1605 (W. 186) , to which there are amendments not relevant to these Regulations.

